

# CANONS OF CONSTRUCTION

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*The Law Students' Newspaper*

April 2002

## The Builders' Wall: A dedication

By: **Mona Chan (1L)**

*The aircraft above appear aloof, the distance belying the destructive capability. Soon, buildings collapse as a result of the explosions; death rains down from the heavens.*

At the time, the country was pre-occupied with threats of aircraft attacks; the world had changed profoundly in June of 1942. The first University of Alberta Dean of Law envisioned great things for the Faculty. He hoped for a new international order based on the rule of law. Despite the wartime conditions confronted by John Alexander Weir, K.C., during his tenure, he refused to simply accept the post-war obstacles.

He faced them head-on in numerous community meetings and fundraisers, consultations with the government and debates in those early formative years of the law school. Eric McCuaig was a law student then. He recalls the rationing of butter and coffee when the first Dean forged ahead to build his dream, an excellent school of law. Unsurprisingly, Dean Weir and his colleagues George H. Steer, K.C. and Wilbur Bowker, O.C., K.C. are amongst those chosen for induction into the select

group of individuals honoured at the dedication of the Builder's Wall on March 5, 2002.

That March afternoon provided a typical Edmonton show of swirling snow for those who peered out the second floor windows. The show indoors was preferred by far, however. McLennan Ross hall was filled with celebrated and notable alumni, faculty, students and guests for the dedication of the University of Alberta's Law School Builder's Wall. Dean Lewis Klar welcomed an extensive list of distinguished VIP's, he then whirled through an impressive herald of past and current triumphs by an extensive list of law school affiliates.

Some of the original chief architects and engineers of our law school shared warm smiles and hugs as many of the current team of designers and draughtsmen Professors Hopp, Bell and Carver as well as Patricia Spencer, to name a few, looked on from the back beaming. They beheld a row of distinguished student mooters - no doubt, a true extension of their esteem and joy. Dean Klar enunciated the importance of the law school community's commitment to excellence at the University of Alberta.



*The Right Honourable Chief Justice Beverley McLachlin and The Honourable Justice Ellen I. Picard*

CONT'D ON PG. 5

## The Tortfeasors are Soccer Champions

By: **Anuhav Chaitanya**

That is correct—the Law School has a soccer team. Moreover, it is a soccer team that has the prestige of being called 2002 Division 1-A Champions.

The Law school embarked on a soccer odyssey in February for five weeks. The beginning for the Tortfeasors was tumultuous, dropping their first two games, but the team went on to reach the Promised Land by winning three in a row thereafter.

The championship game was tense, but our forwards were focused, our defence was a wall, and our goaltender Peter Mawson was outstanding. In the end, victory was ours and the Holy Grail of intramural soccer was in our hands: Campus Rec. t-shirts.

No tears of joy are shed by the Tortfeasors, as they remain focused to defend their title next year. Such is the life of the law school's amateur athletes—their glory is fleeting, as they must return to their studies immediately after victory.



*Back Row: Sean Sexton, Paul Logan, Teji Sandhar, James West, Oliver Hanson  
Front Row: Bryan McHale, Ryan Edwards, Peter Mawson, Julianai Giffen, Anuhav Chaitanya*

No parade was thrown, no banquet was held. But such outward displays of celebration were not coveted by the soccer players. Knowing that their championship brought recognition to the Law Faculty was

celebration enough (with that in mind, any charitable donations to support the team's training for next year can be directed to all those in the picture. Let's keep the dream for 2003 alive!).

## 'Fourth' Right Views

**Thanks for the Great Ride!**

By: **Dean Lewis Klar**

As we come to the end of another law school year, there is much on my mind. Our faculty and students continue to shine, giving me lots of material for my column. Things are moving fast and it is hard to keep on top of it all.

I want to congratulate our next Dean, David Percy. Professor Percy has all of the attributes and skills to be an excellent dean for our school. He is a great teacher, accomplished researcher, and is knowledgeable about our school and its strengths. In becoming our 10<sup>th</sup> Dean, Professor Percy competed against three qualified and attractive candidates, Professors Renke and Bauman, and constitutional lawyer Graeme Mitchell. All four are to be congratulated for their grace and performance during the selection process and for their willingness to step up to the plate to lead our school into the future.

We know by now of the successes and performances of our student mooters in all competitions, both locally and nationally. We of course won some big ones, but in all cases, win or lose, we performed exceptionally well. Our school's reputation both within the university and internationally was enhanced because our students, faculty and coaches were prepared to give up an enormous amount of their time to represent our school with great ability and dedication.

I was especially pleased to see that the law school continues to be highly rated by our graduating students. The "2001 Student Satisfaction Survey" which is prepared for Alberta Learning was just released. This survey periodically measures the students' satisfaction with respect to a number of factors in Alberta's four universities and five colleges. Although I do not yet have the full results, I was extremely heartened to see that in the key question "Students Satisfaction with Overall Quality of Educational Experience" in the universities, colleges and their faculties, the law faculty's score was 88%. This compares with a score of 83% in the previous 1999 Survey and is well above the U. of A. average score of 79%. It is in fact the second highest satisfaction score for any faculty or graduate program within the university. The Faculty, staff and students ought to be very pleased with these results.

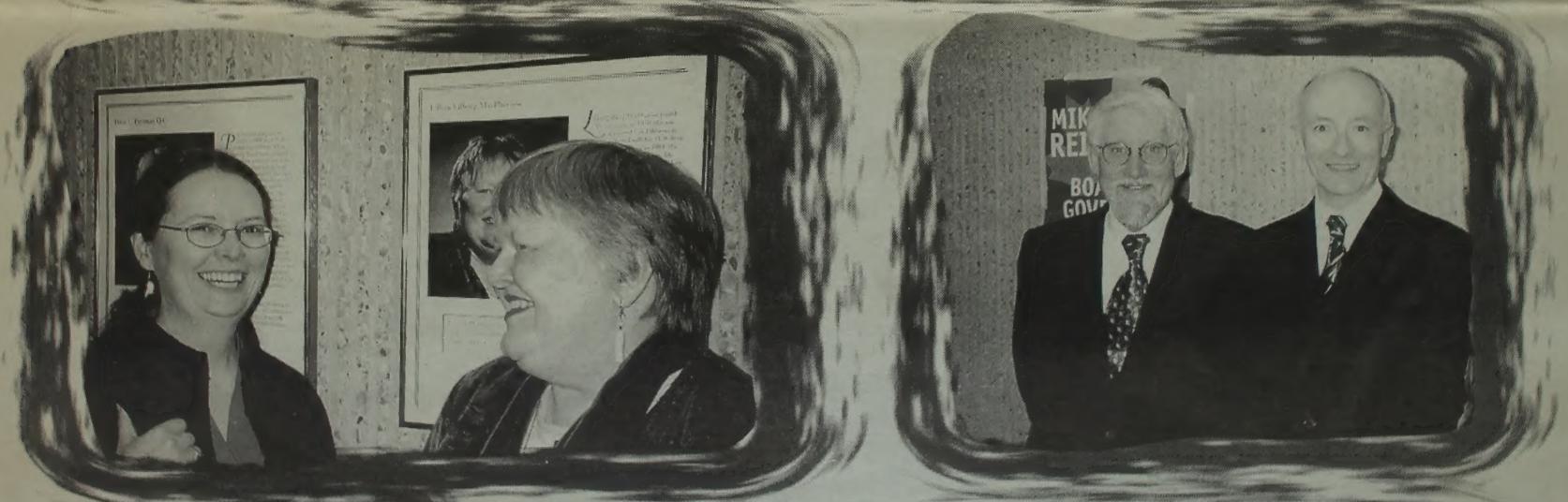
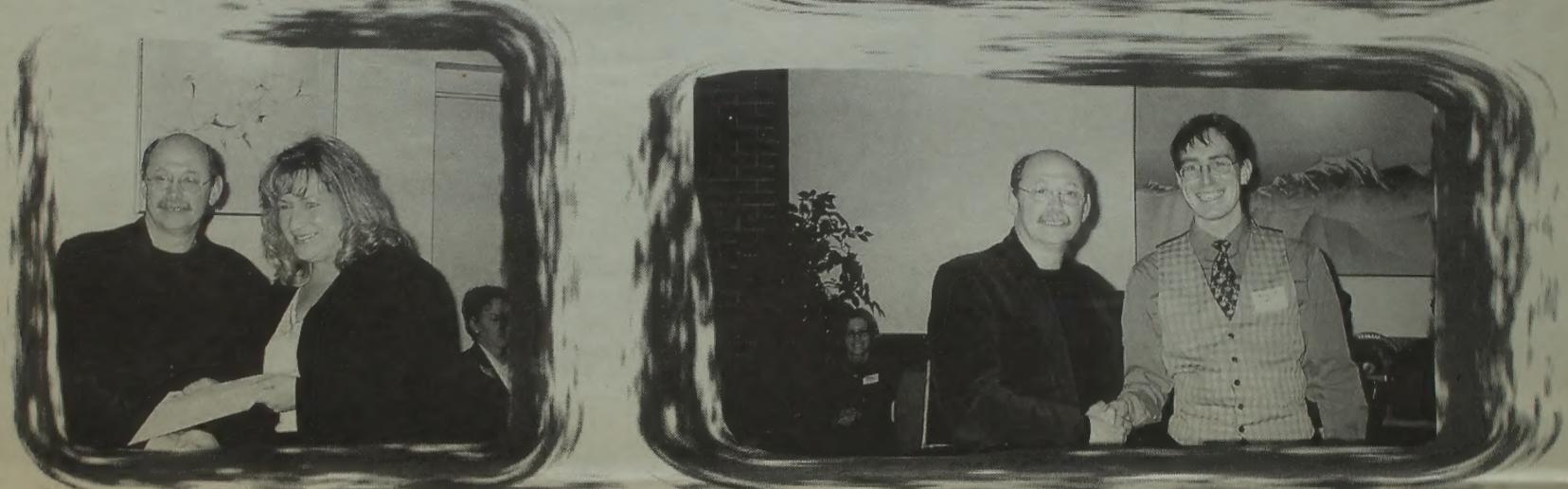
We have accomplished a great deal together over the past five years. All of you who attended the Graduation Dinner or have heard me speak on other occasions know how positive I feel about our faculty and students. Everyone should justifiably take credit for our achievements and the growing national reputation of our school. There are too many things to say and too many people to thank, so I will save that for another occasion. Suffice it to say for now that I am indebted to you all. Best of success.... and thanks for the ride. It was great.

# BUILDER'S WALL

PAST PRESENT AND FUTURE

April 2002

*The Law Students' Newspaper*



# NEWS AND EVENTS

The Law Students Newspaper

February 2002

## Carbolic Smoke Ball: What was it all about?

By: Chris McKay (3L)

On Valentine's Day, 2002, the Faculty of Law gathered for the 36th annual formal. Once again the host was the Holiday Inn Crowne Plaza. Carbolic, disparate from most other law school events, hinges on glitzing up in ball gowns, tuxedos and even kilts and gathering in lavish surroundings more akin to high society than petty bourgeoisie. Whatever the impetus, Carbolic is, unmistakably, a must event.

For some, a night such as Carbolic is much ado about nothing. Surely there are more important things to do on a Thursday night, especially February 14th. Spreading Cupid's love, even reminding your family how much you care about them would probably be more worthy pursuits on Valentine's Day. Despite all potential distractions, about 400 of us chose to spend the night at the Holiday Inn Crown Plaza Ballroom.

For the first year class, the evening must have been a refreshing dose of pomp and circumstance following two days spent gaining a little perspective about poverty in Edmonton, with tours of sites such as the Boyle Street Co-op, the Salvation Army, the Food Bank, and the Mustard Seed Church. If nothing else, this Perspectives had to be

an eye opener in terms of how fortunate we are to have to opportunities that we do, law school being but one example.

The evening progressed as usually, many guests arrived leisurely, sometime during the cocktail hour, between 6:00 and 7:00 p.m. Notably on this night, perhaps for the first time ever, Mr. Veale had already arrived when this writer appeared in the lobby of the Crowne Plaza. Dinner was ready to be served well before guests were seated at their respective tables, but Cam Danyluk gruffly ordered everyone to sit down, most complied. The dinner was surprisingly good, and those at my table were in general agreement.

Although held at a hotel banquet room off campus, several preparations must be made in advance. These include but are not limited to the selection of the venue, menu and DJ. Thanks must go out to both Cam Danyluk and Michelle Belland who did an excellent job organizing the event, as well as garnering some fine door prizes.

Following dinner, the annual showing of the Carbolic Videos took place. For a first attempt, the rookie class produced an entertaining show. Highlights included appearances by the

Cougar Hunter (a.k.a. Dave Grout), as well as a fine tort question by Sean Smyth. The second year's image was one of a second year rebellion, clearly the finest incidence of which was the theft of flowers from the women's washroom by Cam Danyluk and accomplice, followed by his re-gifting of said flowers to girlfriend Shannon Hayes. Well done Cam. It is easy to appreciate a guy who can cut corners on Valentine's and still make her happy. We should all take a few pointers from Mr. Danyluk. For the third year in a row, Mark Woltersdorf filmed and produced the third year class video. As in the past, Ira Cooper played a

leading role, this time as Lord of the Law School Dance. I had never before noted the resemblance between Ira and Michael Flatley, but it is unmistakeable when you see them side by side. Mark was also kind enough to also produce the LSA video which finally discovered the identity of the video-game thief, none other than Dean Lewis Klar. Clearly Dean Klar was attempting to put together some extra money for his impending sabbatical. All in all, the videos were well received, with the first year effort being arguably the best of the bunch. Thanks to all the actors and directors who participated in making Carbolic not

just about food, drink, and dancing.

As the night wore on the dancers grew tired of gesticulating on the dance floor so they retired to their tables, and ultimately to parts unknown. By 2:00 am the evening came to a close, with Elton John belting out the final tune in the DJ's repertoire. With the final note, the staff of the Crowne Plaza were left to clean up after another successful Carbolic Smoke Ball. This writer hopes that all present enjoyed themselves and had a relaxing, and fruitful, Reading Week. I only hope that I get an invite to next year's event.

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## LSA Comings and Goings: Spring Election Results

By: Adam Todd, VP General (2L)

Some hotly contested races, a few recounts, a lot of acclimations (which, as a counter of votes wasn't too bad of an outcome) all were a part of this year's general elections, which ran, largely, without a hitch (sorry Anu, no harm no foul?!), and the winners are...

### Law Students Association

President: Jennifer Lepp  
VP General: Dave Rechlo  
VP Finance: Sarat Maharaj  
VP External: Paul Varga  
VP Academic: Tim Outerbridge  
VP Sports: Jana Prete  
VP Social (2L): Sandy Kovacs  
VP Social (3L): Robyn Bourgeois  
VP Services (2L): Hugh Willis  
VP Services (3L): Mark Christansen

### Canadian Bar Association

Chair: Nisha Bathe  
Vice-Chair: Mike O'Boyle  
Secretary/Treasurer: Jeremy Taittinger  
Program Coordinator: Paulina Kam  
Member at Large: Anita Mohan  
Social Convener: Elmer Chiu

### Articling Committee

Chair: Julianai Giffen  
Co-Chair: Allison Catherwood  
Treasurer: Lindsay Keele  
Co-Treasurer: Dale Masson

### Law Faculty Council

2L Rep:  
Jeremy Taittinger, Steve Shafir  
3L Rep:  
Jeff Fixsen, John Radosh

### Admissions Committee

Randy Morphy

### Curriculum Committee

2L Rep:  
Valerie David, Greg Fingas  
3L Rep:  
Charlene Hiller, Patti Macdonald

### Equality and Respect Committee

2L: Nicole Lougheed  
3L: Mona Karout

### Yearbook Committee

Jessica Chapman, Charlene Hiller

### Visiting Speakers Committee

Cat Ahlstrom, Cathy Jo Glasier

### Alumni Relations & Comm. Development:

Jessica Chapman

### Perspectives Committee:

Danielle Bonoham, Greg Fingas, Mike O'Conner, Natalie Salvalaggio

### Student Appeals Committee:

Anu Chaitanya, Brooks Topp, Sean Smith (alternate)

### Alumni & Friends Committee

Executive: Danielle Bareham  
Program Coordinator:  
Rebecca Ratti  
Communications:  
Liza Rosychuck  
Career Liaison: Jasmine Grewal  
Fundraising: Steve Shafir

### Grad 2004 Committee

President: Kathryn Blair  
Vice President: Mark Hildebrand  
Treasurer: Brandy Shaw  
Secretary: Trena Grimoldby  
Members at Large: Ingrid Tsui, Linda Svob

### LSA Professor Excellence Award

This is the first year the LSA is giving out an award for teaching excellence, recognizing those contributions and qualities that we felt, as students, were deserving of acknowledgment and thanks. The guidelines we asked students to consider in their selection were: availability outside of class, concern for students in both academic and non-academic life, the encouragement of extra-curricular activities, and a general positive attitude towards students.

It is a true reflection of the quality of our faculty that 26 different professors were named, but the overwhelming favorite of 2002 was Professor RON HOPP, congratulations Professor Hopp. We sincerely appreciate what you contribute to our experience here at the U of A.

Although we have no more prizes to award, I would also like to acknowledge the faculty 'Rookie of the Year', Professor Sanjeev Anand, who finished amazingly high considering the short time he has been at the U of A, and to Alex Pringle who was the highest finisher among the sessional instructors and whose valuable (donated) time is appreciated greatly.

# NEWS AND EVENTS

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## Come Clean and Get Real

By: Sharon Roberts (1L)

Right Honourable Chief Justice Beverley McLachlin paid her alma mater a visit on March 4th. She sliced the ribbon to christen the Faculty of Law's new Builder's Wall and mingled with faculty, staff and students at the Law Centre before heading to Myer Horowitz Theatre to address a reverent crowd. Host Peter Savaryn of the Alumni and Friends and former colleague Chief Justice Allan Wachowich introduced her ladyship as a national success story of humble origin who hailed the importance of access to public education. Without funding supports, she admitted, Canada's first woman Chief Justice would have been unable to enjoy her success in Law and the Department of Philosophy at the University of Alberta.

The Chief Justice provided evidence of the growing complexity of Canadian society, its global relations, and the challenge of formulating justice in such dynamic contexts. Members of the judiciary face such challenge head on when they interpret statutes, consider the constitution, and the facts in particular cases. What must

judges consider when determining whether a law has constitutional validity or applies to a given fact scenario? The administration of justice demands consideration of the proverbial bigger picture. Contextual approaches afford all legal professionals a more holistic means of serving the law and justice in an increasingly complex world.

By way of illustration, her ladyship raised a seemingly straightforward question of statute interpretation: What is the purpose of a law? The question provokes a number of others. Does the law contain a preamble? If so, what does it say? Where part of a law is in question, what meaning do neighbouring sections lend? What mischief does the law address? What mischief did Parliament intend it to address? Clearly, the process can be a vexing exercise. This is particularly true, suggested the Chief Justice, when Parliament does not always speak with one voice.

Matters are not made easier by turning attention to the constitution. Constitutional interpretation is not a process of simply reading and applying the

text. The general, vague language of constitutional documents is imbued with a flexibility designed to endure generations; it is, by definition, full of imprecision. Reading the Act is not enough. Contemporary judicial interpretation must be conducted in a rigorous, purposive manner, suggested the Chief Justice. That means keeping a watchful eye on contextual aspects of the law itself as well as where, when, and how courts are asked to apply it.

On a parallel note, the process of fact-finding requires a certain skepticism, coupled with attention to the complex and varied contexts in which events occur and evidence is gathered. Members of the judiciary rely on parties to maintain intellectual honesty and bring all relevant authorities before the court. The objective of our justice system, suggested the Right Honourable Beverley McLachlin, is to give law meaning. Considering that the law is neither absolute or absolutely clear in all cases, context can be of tremendous significance. The trouble is determining if and where to draw the line.

Drawing parallels to the law of evidence, the Chief Justice suggested that limits (both prescribed and self-imposed) are a critical part of judicial reasoning. Just as legal practitioners must find some common ground regarding what evidence is relevant, judges ought to consider contextual factors and incorporate some degree of philosophical reasoning and analysis in their decisions. The question then becomes, "is there such a thing as too much context?"

The Right Honourable Beverley McLachlin suggested that incorporating contextual awareness and philosophical analyses may help judges determine if and when "enough is enough." In the process, she suggested judges proclaim where they stand in relation to issues or decisions and for society as a whole to recognize the hard work required to redeem the complex promises those issues and decisions represent. Judges must consider contextual factors and philosophical issues and resist the urge to ignore, submerge or bury such considerations in abbreviated judgments or inaccessible language.

Borrowing an expression from Ronald Dworkin, her ladyship encouraged members of the judiciary to "come clean and get real." Judges are not policy makers. Understanding the meaning of principles may require judges to engage in the rigorous analytical process that forms the basis of judicial reasoning. Hence the importance of precedent to a law that is predictable and meaningful over time, suggested the Chief Justice. She offered an example. By allowing and considering the submissions of intervenors, courts honour the commitment to examine multiple perspectives on legal issues.

Given that matters before the courts are frequently long-lasting and of national importance, the value of adopting a contextual approach to judicial reasoning cannot be underestimated. In our complex and changing world, integrity and forthright communication are integral components of that approach. Rather than limiting such duties to Supreme Court Justices, all persons committed to the law and legal practice would do well to come clean and get real.

## The Case for a Career at Fraser Milner Casgrain LLP

Allison Downey, Associate, graduated from the University of Alberta's law school in 1999. She articled with Fraser Milner Casgrain LLP and currently practices with our Tax Litigation Group in Edmonton.

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-Allison Downey, Associate, Fraser Milner Casgrain LLP

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# NEWS AND EVENTS

The Law Students Newspaper

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## To Spank or not to Spank: It's OK when LOVE hurts

By: Anubhav Chaitanya (1L)

On February 26<sup>th</sup> of this year, the Centre for Constitutional Studies presented a lecture entitled, "Your Right to Spank Your Child/ Your Child's Right Not to Be Spanked- Which is Legal? Which is Constitutional? Which is Good?" The talk addressed the legality of spanking, the futility of applying the legal model to this tortious conduct, and the importance of the parent-child relationship in tempering spanking's effects.

The first speaker was Mary Birdsell, a children's rights lawyer currently doing work at the Canadian Forum on Civil Justice. Birdsell advocated that "spanking should be prohibited by law."

Given this belief, Birdsell described her disdain for s.43 of the *Criminal Code*, which allows a school teacher, parent, or person standing in the place of a parent to use reasonable force in correcting a pupil's or child's behaviour.

Birdsell contended that s.43 of the *Criminal Code* violates ss. 7, 12, and 15 of the *Canadian Charter*. She said the Courts have heard this argument before, and ruled that neither ss. 7 nor 12 are violated by s. 43.

The Courts do, however, recognize that s.15 is violated, for s.43 of the *Criminal Code* discriminates on the basis of age. Birdsell provided the example of s.43 precluding reasonable force against a person over 18, but anyone younger than that age can be subjected to such force given that one falls under the definition of a "child." Birdsell goes on to discuss that even though the Courts recognize the Charter infringement, they hold that s.43 is saved under a section 1 *Charter* analysis. Birdsell does not agree with this finding.

Birdsell's opinion is that the Courts have flown through a section 1 analysis. She said that the Courts do not really talk of the rational connection between the effects of s.43 and its objective, but accept that it exists. Furthermore, the Courts presume there is a minimal impairment of rights simply because the definition of "reasonable" is limited.

In concluding, Birdsell asserted her position that spanking should be illegal. She believes spanking persists because adults have difficulty accepting their rearing practices may be wrong. She added the more adults use spanking to discipline their chil-

dren, the more they will need spanking to keep control over their children.

The next speaker was Dean Lewis Klar, who talked about legal liability issues. Klar identified that spanking is technically a battery. Even so-called "good" hitting is still a battery. Children have the same rights of action against their parents as they would against anyone else. As such, children can sue their parents, and they do not need to show any injury from the spanking to ground their claims.

Klar then qualified his statements by adding what keeps children from suing is s.43. *Criminal Code* defences apply to civil liability actions.

Thereafter, Klar proposed a hypothetical situation. Assuming that s.43 did not exist and there was no common law defence to spanking, would children then sue? Klar responded by saying 99% of the time, the answer would be no. If the spanking has occurred in a "functional" family, Klar suggested that the child would have no compulsion to sue. The only reason a child in such a family would sue is to get insurance, which is not recoverable in most circumstances.

Lastly, Klar states that the utility of spanking "is not a legal issue. [It] is an educational issue." This line served as a perfect segway to the final speaker, Dr. Robin Everall.

Dr. Everall is an instructor with the Faculty of Educational Psychology. She believes that spanking is not simply an issue of right or wrong. "It has various shades of gray," she said.

Everall stated that whether spanking is harmful depends on the emotional connection between the parent and child. Also, whether spanking is helpful or ineffective depends upon the range of disciplinary strategies parents use. Communication between the parent and the child is a strategy emphasized by Everall.

For spanking to be corrective, Everall said that it needs to be done in the context of the targeted behaviour. The force applied should also be as moderate as possible, and be delivered with a calm demeanour by the parent. Everall commented that spanking is "often done in the heat of the moment. Often for release of the parent and not for the benefit of the child."

Everall also discussed the latest studies that suggest loving, firm parents produce functional adult children whether they spank their children or not. Moreover, what is far more psychologically harmful to a child than spanking is yelling.

It appears spanking is condoned by Everall if it is carried out appropriately and in a timely fashion. She said, though, that the biggest obstacle to achieving this effectiveness is having parents "separate their emotions from the context before deciding to spank their child."

What was ultimately extracted from this presentation was that physical punishment of a child is perhaps least harmful when done within a loving relationship. Caring parents can take advantage of the relationship they have constructed with their children by spanking them occasionally. The spanking should always be for the child's benefit, and not the parent's.

A problem emerges though when "occasionally" becomes "frequently" and the punishment is delivered in the guise of a loving relationship. In such a situation, parents spank at their own risk.

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### BUILDERS' WALL, CON'T FROM PG. 1

Among those honored were the Honourable Justice David C. McDonald, who was important in the 20/20 anniversary celebration in 1992, when preparations for the Wall were planned; Dr. Alexander Smith, Q.C., was dubbed the namesake for The Smith Prize, for the Laskin Moot, The Alexander Smith, Q.C. Endowment Fund.

The Weir Library is renowned in Canada, thus friends who came out to see Lillian Vilborg MacPherson were proud of her efforts for the development of the computer lab, and the growth of the academic law library.

Peter L. Freeman, Q.C. was a major contributor and served as the Chief Librarian for the Supreme Court of Canada. The Alberta Law Review house bears the name of Hon. Justice William A. Stevenson, whose namesake is used in an endowment fund in 1969-1970.

"The Wall" was more akin to a family reunion than an official ceremony. Ever so warmly, the Honourable Justice Ellen Picard and the Right Honourable Chief Justice Beverley McLachlin shared a few moments just before the brief official ribbon cutting. Truly encouraging is the verac-

ity of character of this year's law school students. As I snapped the picture, the group reminds me to rise to the challenge of our innovative and resourceful team of current builders: faculty, staff and students alike. Students who exemplify the tradition of excellence, such as Patrick Duffy (3L), the winner of the Jessup moot last year, was flying to

compete in Washington two days after the dedication of the Wall. He encouraged full participation in law school activities. Rosemary Duffy (1L), who won the Dean's citation, said that her brother "does give good advice" and was helpful in dispelling some of the myths about law school. Jennifer Lepp (2L), next year's LSA President, won the Merv Leitch scholarship in Constitutional Law. Deborah Szatyo, who personally drove would-be students to look for apartments on orientation day was awarded the Stanley H. McCuaig Scholarship, donated by McCuaig Desrochers, Barristers & Solicitors.

This is our law school, our community. These people share something truly special. They are each current builders and contributors of the Faculty, and as Dean Klar asserted in his speech, we are each a part of this legacy.

# NEWS AND EVENTS

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## The True Meaning of Law Show

By: Mark Woltersdorf, Producer, Law Show 2002 (3L)

Well another Law Show is over. We have put the props away for another year, paid all of the bills, prepared the financial statements and held our final executive meeting. A new executive has been elected and they are already planning next year's show. My final duty as producer of Law Show 2002 is to write an article to be included in Canons.

So as I sat writing on a beautiful Sunday afternoon I thought about all of the hard work that everyone put into this year's production. It is truly amazing when I started to add it up: organizational meetings in March and April; writing, choreography and music selection throughout the summer; theatrical practices, soliciting donations, booking theatre space, negotiating contracts, etc. throughout the fall and winter. The month before the show was feverish. Tempers were stretched thin as personalities clashed and, despite all of the

hours we spent planning so that last minute glitches wouldn't happen, they did. I don't think that Elizabeth Tatchyn slept for two nights before the show and I know I was wishing I had never heard of Law Show.

But inevitably it was opening night. The stage lights were on and Elizabeth and I looked at each other briefly before walking out to introduce the show. "You OK?" I asked. "No," she replied, "Give me a minute". A couple of deep breaths, we walked out together and the rest, as they say, is history.

I can't say that I remember much of the two days the show ran. But I do remember that it was a spectacular event all around. We shattered every previous Law Show record. There were 140 cast members on stage and 70 volunteers on other committees, the largest contingent ever. Elizabeth and her cast orchestrated a highly entertaining production. A

record number 1,200 patrons attended the show, including a sold out Saturday night. Nadia Coco, Adam Chalkley and their committee were in charge of the Silent Auction. There were 180 items offered for bid and they raised \$9,876, more than ever before. Nina Sharma and her committee raised an incredible \$13,050 in corporate donations, triple the amount raised two years ago, nearly double the amount raised last year. Deb Szatylo not only raised enough money to pay for the cast party, but she hosted two of the most enjoyable parties I have ever attended at law school. Orrice Harron kept us in check financially with her excellent accounting skills and Rebecca Cuthbertson quietly contributed in many ways, as both office manager and as a dancer. I can't begin to congratulate everyone involved for such a superb job.

As I think about all this, I have a question for myself. Was all the hard work and stress

worth it in the end? Despite our success this year I wasn't so sure. Because of all of the extra hours put in I'm tired, behind at school and working overtime to catch up.

I drove to Kids Kottage last Friday to deliver our cheque for \$20,000 to them (yes \$20,000...also a record for Law Show). It is not a lot, really, not compared to the one million dollars that is required annually to operate the facility. Despite this, as I sat in the office at Kids Kottage with development officer Pam Miller, she made me feel like some sort of hero. She explained that Law Show is one of the largest contributors to Kids Kottage, with donations totalling \$45,200 over the past three years.

Our contributions have been used to help children who need a safe place to be when families have problems. She invited me to take a tour and I accepted. I saw a 9 month-old infant under the care of the

staff. I helped a 10 year-old girl who asks me to glue hair on a paper angel that she was making. The children's rooms were bright, sunny, clean and tidy.

There are rooms with two beds so that siblings are able to sleep in the same room. Each room has its own name like the Mickey Mouse and Donald Duck rooms. There were fresh baked cookies in the large sunny kitchen and the children were all excited as they get in line to try Oma's cookies. I saw a room full of children who are clean and happy and safe. I saw professionally educated adults who are providing them with attention, care and love. I had to blink my eyes and swallow hard as the tour ended.

Driving back to law school I realized that I had the answer to my question...was Law Show really worth all the hard work and stress? Are you kidding? I wish I could do it all over again.

*Editor's Note: This Letter was sent in by Roxanna M. Saccomani on behalf of Kids Kottage.*

Dear Friends:

On behalf of our Board of Directors and staff, I would like to thank the Law Show Committee for staging a tremendous production and for raising a staggering \$20'000.00 for Kids Kottage.

The show once again proved to the world that the students of the U of A Faculty of Law are not only brainy, but exceptionally funny and talented. A lot of hard work went into making the show the huge success that it was. To all of the students and faculty members who starred in the show, Hollywood awaits you. To all of those who organised the silent auction and the sponsorship for the show, you are genuine earth angels. The Law Show Director, Elizabeth Tatchyn, and Law Show Producer, Mark Woltersdorf, should also be commended for their outstanding initiative and leadership.

The measure of a good lawyer is compassion and concern for people in need. The good will and spirit of generosity of Law Show demonstrates that the future of this student body is very promising indeed.

We are deeply grateful to, and proud of you all.

## True, North Strong and Free Canada's Best Ever Olympics

By: Chris McKay (3L)

Last issue I made some predictions not as to how Canada would perform in these Olympic Games, but rather the pressure on certain individuals, specifically members of the men's hockey team, and the expectations that were on each of them. Wayne Gretzky echoed some of those sentiments following a tie in the round robin portion of the hockey tournament against the Czech Republic. He noted that no one could fathom the pressure his players were under. He went so far as to add that everyone wants Canada to lose, and that all the countries take great pleasure in defeating Canada.

It is undeniable that Canada's hockey team was the center of attention during the last 12 days of the Olympics, but they had to share the spotlight with another Canadian team, that of Jamie Sale and David Pelletier. The Canadian pairs skaters captured the imagination of the sporting world with their whirlwind performance of 'Love Story' in the long program of the pairs competition. All agreed theirs was a gold medal performance. Unfortunately, the attention quickly turned from their performance to that of the judges, who instead awarded the gold medal to the Russian pair of Anton Sikharulidze and Elena Berezhnaya. Rumors of scandal quickly spread, with the media flocking to every press conference with eager anticipation of what the International Skating Union would do to rectify the situation. Regrettably, the response of President

Octavio Cinquanta was less than satisfactory. He vehemently told reporters that nothing could be done to change the way the medals were awarded. Ultimately IOC President Rogge stepped in and demanded a quick and satisfactory resolution to the scandal. Eventually Sale and Pelletier were awarded gold medals, to the approval of all the spectators at the Salt Lake City Ice Centre, and elsewhere.

Skategate, as it has appropriately been dubbed, became the talk of the Olympics during the first week of competition, and likely it was not just because of the ensuing scandal. Through all the trials and tribulations, Sale and Pelletier took everything in stride. In true Canadian fashion, they displayed the grace and sportsmanship of champions in the worst fathomable circumstances. Through their many appearances on radio and television, their position never wavered: "We are proud of our performance and no one can take that feeling away from us". Sale and Pelletier epitomize what the Olympics is all about. Competition, personal achievement and love of sport. It is just a pity that it took some political maneuvering for them to be rewarded for their efforts.

As hoped, Wayne Gretzky's tongue lashing seemed to have the desired effect. Team Canada, with a favorable draw against Finland and Belarus, moved easily into the Gold Medal match against the U.S.A. Having dispatched of both

Germany and Russia to get to the final, the Americans were the best team to that point in the tournament. On home ice, where they had not lost a game since 1932, the Americans were a favorite to win their first men's hockey gold since the Miracle on Ice at Lake Placid in 1980.

Buoyed on by the stellar goaltending of Mike Richter, the American side entered the third period only down a goal to Team Canada who had thoroughly outplayed them through 40 minutes. With just over six minutes to play and the game still 3-2, Steve Yzerman took an unlikely penalty, putting the tournament's best powerplay to work with a chance to tie the score. Fortunately for a record 10 million television viewers in Canada, the goaltending of unlikely hero Martin Brodeur preserved the lead, with Jerome Iginla and tournament MVP Joe Sakic adding insurance goals late to put the game on ice.

There is nothing like hearing your anthem played before an enormous worldwide audience, and Sunday, February 24<sup>th</sup>, 2002, Canada had that honor. Silencing the critics was one goal of this Olympic squad, but Wayne Gretzky likely put it best when he said that 'We really wanted this victory for Canada'. Ending 50 years of futility in men's hockey, Team Canada can be boastful of their championship of 2002, at least for another four years.

With a best ever Olympics of 17 medals the men's hockey team capped it off in fine style. Of

course, along the way there with more than a few disappointments. Here's a recap.

### Luge, Bobsleigh, Skeleton

Sticking with ice, this type of a more topsy turvy variety, Pierre Leuders failed to defend his 2-man bobsleigh title from Nagano, finishing 4<sup>th</sup>. It was a bittersweet ending for Leuders, likely competing in his last Olympics. In fact, Canada failed to medal in any luge, bobsleigh, or skeleton events. With a world class venue for training at Canada Olympic Park in Calgary, Alberta, many expected great things from this group of athletes. Thus far, those expectations remain unrealized.

### Speedskating

Canada's best haul of medals came from our speedskating teams. Jeremy Wotherspoon of Red Deer was expected to add two to our tally at the oval, but took a tumble in the 500m event, ending all hopes of defending his World's fastest man on ice title. On Day 2 of the event, Wotherspoon posted the fastest time of the day, but it was little consolation for what was supposed to be a guaranteed gold. Wotherspoon also failed to medal in the 1000 m, an event he held the World Record in until broken in Salt Lake City by Gerade van Velde of the Netherlands.

**CONT ON PG. 14**

# GRAD 2002

*The Law Students Newspaper*

February 2002



# GRAD 2002

April 2002

The Law Students' Newspaper

## CLASS HISTORIAN LEIGH PETERS

So much has happened in the past three years that when Bryan and I got together to discuss this assignment we could hardly contain ourselves.

Not only has so much happened, but so much has changed as well. We were so innocent and naive when we started law school, and looking back I'm amazed at how much we've grown. I can remember some people who used their three years at U of A not only to learn the law, but to reinvent themselves as well. Colin Luke, for example, went from being Mr. Clean Cut Farmer Boy to a Hollywood rock star. And Curtis Schmeichel, well he waited until he had his article secured before he discovered the joys of bleached blonde hair! But, hands down, I think Cam Pham has changed the most. I remember him on the first day of classes. His hair was slicked into a neat side part. He had on his first year uniform of a golf shirt and pressed khakis. By second year, however, he'd done a complete 180. He traded in his briefcase for an orange backpack. And the neat side part in his hair for blue spikes!

Our class has certainly had its share of screw ups in the past three years. I can think of one girl who was fascinated by the fact that all the judges seemed to share common initials. I know she thought it highly coincidental that everyone on the bench seemed to have names that started with J or C J. And, I'd like to take this opportunity to let everyone know that I, I mean that girl, now understand that J is for Justice and not for John.

*It's hard to make fun of M2, she's almost unimpeachable. I do find it interesting however she's the secretary of the Grad Committee, the same one which counted the votes for Valedictorian. It's a bit like Mr. Clark being the Chief Returning Officer for Elections Canada during a federal election. The term "reasonable apprehension of bias" comes to mind. Despite this, Melissa is a great choice as Valedictorian. She not only has a big brain, but she's well respected by all of her peers.*

Tom Duke, M.C.

Getting all those applications out just after exams in second year was, I think, one of the most stressful times of law school. And not all of us came out of that process unscathed. By this, I am referring to some of the infamous resume blunders that deserve mention here tonight. Kelly Powell's blunder, for instance, should go down in the hall of fame. He wrote "I have great writing skills" on his cover letter, but spelt great GRATE! I'm sure there was more than one firm that kept a copy of that cover letter hanging in the lunch room. Even better than

Kelly's mistake was Dan Pichette's. He applied for the wrong articling year!

While I admit I may have snuck a crossword or two into class, nothing could come close to the amount of time the dean's listeners spent playing solitaire on their lap tops at the front of the class. They sure had the pros fooled!

You know, when Bryan and I were collaborating on this, I think we had just as much fun speculating as to what our peers would be doing in ten years then we did laughing over what they did in the past three. ... Shannon Kelly will make the papers for sure. The headline will read "Shannon Kelly, one of Canada's leading entrepreneurs, has done it again! Her third highly successful internet sports gambling network!" And Jason Pannu and Mike "Munoz" and Ernie Horne will be kicking themselves for not listening to the sporting advice in law school. Those three took the super bowl as serious as they did their finals!

*I have the honour of introducing one of our hardest working classmates. Mark Woltersdorf is a CA, a CMA, a CGA and a tax advisor for Fraser Milner Casgrain.*

*Mark also managed to find time to start a family while in law school. David was born in our first year and Tessa was born in our third year. Please welcome Mark Woltersdorf – the man who found second year so busy he didn't have time to procreate.*

Sharon Buckley-Tkach, M.C.

## TOAST TO THE FAMILIES MARK WOLTERSDORF

I look around the room at all my classmates and I know everyone will agree that law school is a lot of work. And it comes with its share of highs and lows. We rely on our families to get us through the low points like, for example, when final exams are just around the corner and we need family to assume extra responsibilities so that we can be in the library studying. Or when you receive a grade that is lower than you thought you deserved and your family was there to offer words of encouragement and support.

At the end of all of this one thing is clear to me... my law degree was not an individual effort. It was a group effort involving my family and me. I could not have done it alone. I am sure that everyone one in the room has a similar story to tell. And if you are like me... I haven't told my wife how important her contribution has been... and how critical her encouragement and support has been (although her support did cost me a new kitchen and a van). Therefore, I would like you all to join me in recognizing our families for the significant contribution they have made in supporting us to this point... and to the support that I know we will receive during bar admissions and well into our careers.

To the families.

*Next item on the agenda is the toast to the Faculty, which will be done by Brian Futoransky. Brian is a good friend of mine, he's quite talented, particularly at making fun of me. Since January, roughly 98.3% of our conversations have involved him mocking me in some way.*

Tom Duke, M.C.

## TOAST TO FACULTY BRIAN FUTORANSKY

In undertaking to make this toast, I set myself the task of attempting to relate to you why I think the faculty at UofA law is important to law school students. The most obvious thing that came to mind was to say something about the high level of knowledge and skills that the faculty brings to law school. It is without question that we are fortunate to have such an accomplished group of individuals at our disposal, and I could have easily gone on at length describing to you the academic and professional accomplishments of the various members of the faculty, but upon further reflection, I realized that such an approach would be terribly near sighted as this would be underestimating what the faculty indeed do for us as students. There is necessarily something extra to what they do which make them successful as educators and make UofA law the excellent learning environment that it is.

What this something extra is however is difficult to accurately describe because it is a combination of things and not one single factor. ... Our questions mattered and the professors were there for us and our education was important to them. This was that "something extra". It was about creating an atmosphere of learning in which we could thrive as students. And this is the true importance of the faculty.

They know what we are going through and understand the process of learning. They knew that in first year we were nervous and uncertain about our skills, and they knew that in the second year we were stressed out and overworked and they know that this year sometimes we lack a little bit of motivation. It is knowing how to teach and not what to teach which is the faculty's great strength.

We have gathered here tonight to celebrate our accomplishments, but it is important for us to realize that a big part of our accomplishments is necessarily their accomplishment as educators.

*I remember when The Right Honourable Joe Clark was elected Prime Minister of Canada. The year was 1979, I was 11 years old, ChiPs and was my favourite tv show and I was going to marry Eric Estrada when I grew up. But there are some people in our class like, Karen Gawn, Trish Chinowski, Patrick Duffy and Sukhi Sidhu who were either born that year or the year before, so we gotta give them some "info" on Mr. Clark. In 1976, at the age of 36, Mr. Clark was elected the leader of the Progressive Conservative Party. Three years later, he defeated the Liberals and became the youngest Prime Minister in Canadian history. In 1984, He was the Minister of External Affairs and in 1991 he became the minister responsible for Constitutional Affairs. In 1993, Mr. Clark retired from Politics.*

Sharon Buckley-Tkach, M.C.

## VALEDICTORIAN - MELISSA MOULTON

Good Evening Rt. Honourable Joe Clark, Dean Klar, faculty, staff, family, friends and fellow graduates. I would like to begin by saying what an honour it is to be able to speak on behalf of all my fellow classmates here tonight. It means so much to be Valedictorian of the Class of 2002 because I believe our particular class is special and unique and I have talked to many people throughout our three years at law school who have confirmed these thoughts. As recently as last week I was talking with a librarian at the Faculty who expressed to me his thoughts on what a great group of people the third year class is. To be thought of as great people and not just great law students is a compliment indeed. From the first night of orientation at Fred's Pub in Leduc, our class has developed a great bond that has only been strengthened in our three years at law school. It means a lot to be part of such a talented group of individuals and to be able to speak on behalf of them tonight.

It will be the relationships that we formed that we will remember when we look back at our days at the University of Alberta and it will be the people we will look forward to seeing at our class reunions. ...

As we all can attest to, relationships are powerful instruments that bring us joy, laughter and sometimes sorrow. But one thing is for certain we are who we are because of the people we know and I am very fortunate to know and be a part of the Class of 2002.

We all entered law school for varying reasons and I am sure we will all leave with different ideas of how we want to contribute to the profession and society in general. Many of us will proceed into a law practice that deals directly with disadvantaged people or with controversial human rights issues, others of us will

find ourselves in corporate boardrooms and will look to opportunities for community involvement outside of the office tower. Both groups are contributing to the world around them and both can play an important role in the advancement of justice in our society.

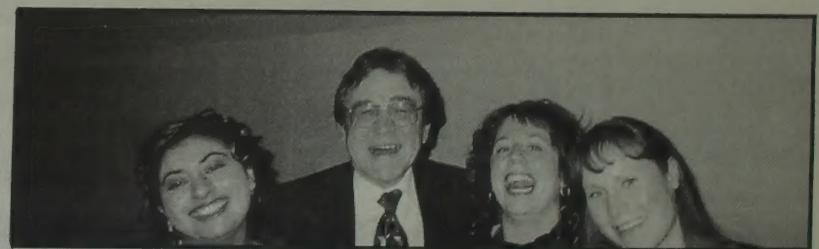
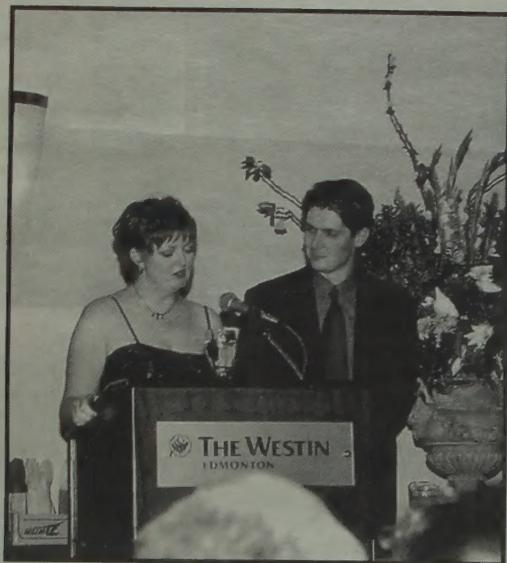
A recent example of lawyers giving back to our own legal community occurred last week where I had the opportunity to hear Chief Justice Beverly McLachlin speak at the Faculty of Law. She officially dedicated the new Builder's Wall that was opened to honour individuals who have given back to the Faculty. These individuals have helped the law school develop into the top ranked school it is. Again my notions of giving back to the community were broadened as I realized that these dedicated individuals we were honouring chose to give back in a way that assisted myself and many others here tonight obtain an excellent education so we may go out and put our own mark on the world.

Finally, law school has taught me the importance of having balance in one's life and the need to keep things in perspective. I am sure we have all experienced times during final exams, mooting experiences and paper writing where the pressure to do well was intense. But once we put those feelings of stress and intensity into perspective we soon realize that no matter what happens, all of us are very fortunate to be attending a great law school and to have the opportunity to join such an esteemed profession. It is a profession that will no doubt present us with situations that are as equally demanding and challenging as law school, however we must always put our best effort forward and accept that that is all we can do. We must take our choice to become barristers and solicitors very seriously and uphold the ideals of our profession but we must not lose sight of those other aspects of life that make us who we are.

# GRAD 2002

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February 2002



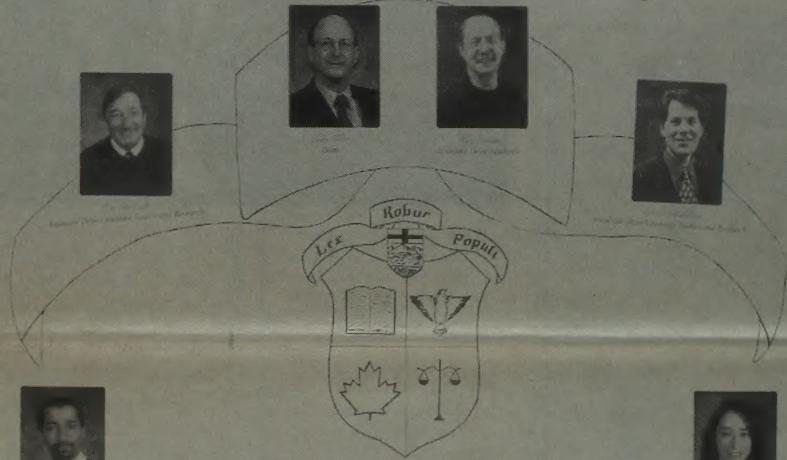
# GRAD 2002

April 2002

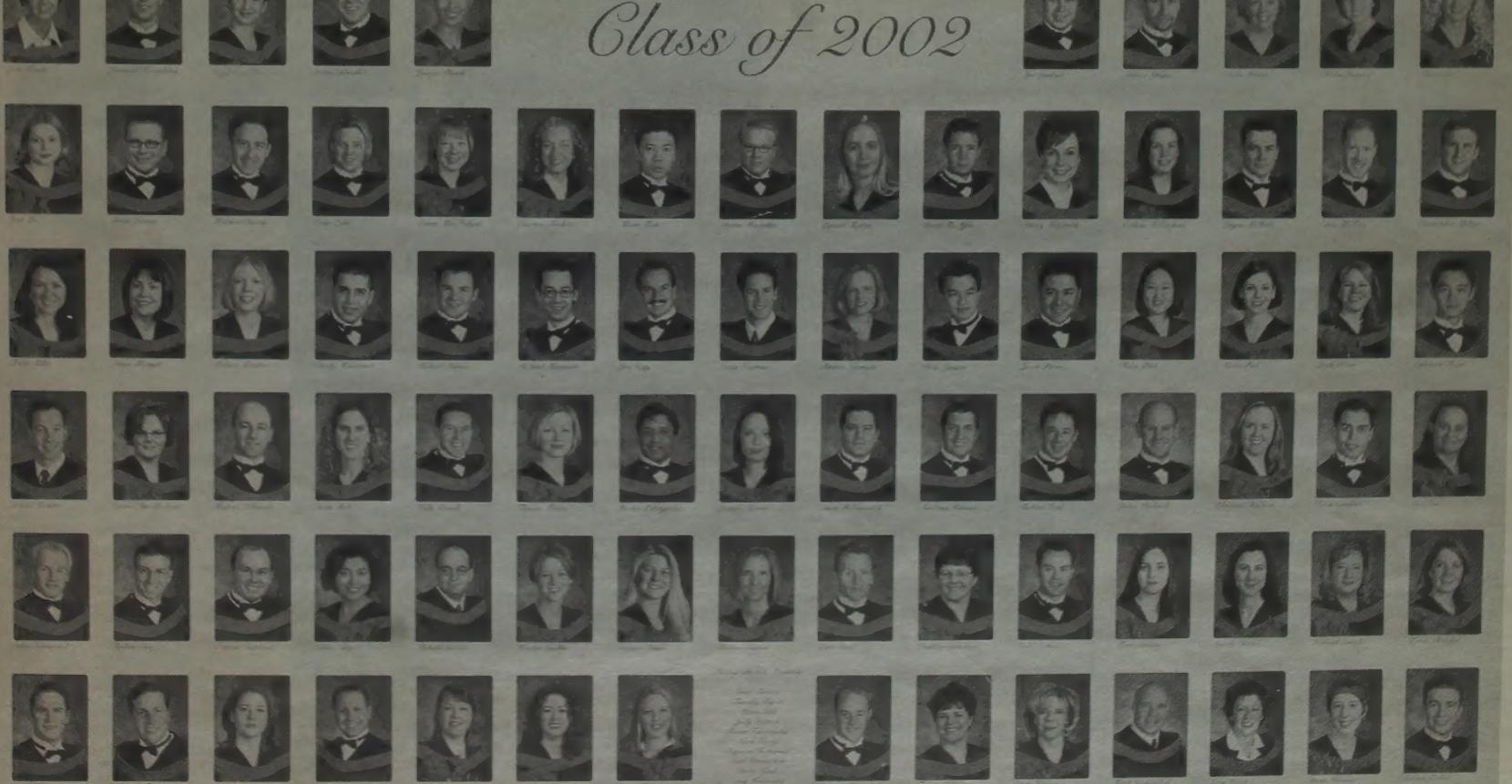
Law Students Newspaper



## University of Alberta Seventy Ninth Graduating Class



## Faculty of Law Class of 2002



# OPINIONS

The Law Students Newspaper

## Men Can be Sensitive Too

By: Cam Danyluk (2L)

"Did you like me in Law Show?", I asked.

"Yeah, but it must have gotten tiresome to always portray a tough guy", said the audience member.

"Oh" I replied

I am so glad that in the February edition of the Canons, a fellow actor exposed Law Show for what it truly was... a gender biased, pigeon-holing, chauvinistic, piece of crap. Did I also mention that it was too long?

I acted in the Law Show. My roles were memorable, if only to me. My roles were tough. I had my sunglasses on the entire show, I had my arms crossed most of the time, and my lines consisted of grunts, moans, the odd "Whooo-Hooo" and the never forgettable "Rock and

Roll!" and of course I flexed.

I want to make it clear right from the start that I did not volunteer to write a script, direct, or help in any other way. When the directors asked for feedback - I remained silent. But now that the show is a distant memory, it's finally my time to speak up.

As I stood watching the show from the side curtain, I noticed that it was not only I that had to portray this image of a tough, burly man's man. The men in the Western skit were out to get their women back. The Vampire skit had 'gunslingers' and crocodile hunters. The Hoppfather had thugs, lots of them. And Top Gun had a whole lot of testosterone, and bare-chested men. That's my beef with the Law Show. Men can be sensitive too. Have the directors ever heard of feelings, or emotions?

When in this show can I just be me? Why couldn't I have been Dean Klar's "friend"? Why couldn't Featherstone have been named Featherly instead? Why couldn't I have been one of the Hoppfather's men, I could have taught them all just to get along, and the importance of hugging.

I really do not think that it is just coincidence that Tom Duke stole the show with his character, Serge. The directors allowed him to be passionate, emotional and flamboyant without having to pretend he was in a locker room. Oh, what I would have given to wear a scarf (especially the leopard print one). My plea to the directors of next year is to allow men to be sensitive. It is unfortunate that society has imposed a view on that men have to be tough

## Olympic Rant

By: Cam Danyluk (2L)

I was glued to the couch watching 14 hours a day of Olympic coverage over Reading Week. During an exciting Terry Libel interview of a Lithuanian bobsledder the following thoughts came to mind...

Maybe I am wrong, but anyone who has ever questioned the value of sport to a city or country need only look at the Men's Gold Medal Hockey Game. While having a twenty-something with a Maple Leaf painted on his naked ass ripping down signposts on Whyte Ave is probably not a great indicator of national pride, the fact that 10 million Canadians watched this game is. When was the last time 1/3 of all Canadians were into some national pride activity? Watching the Junos? I don't think so. Trying to interpret Chretien's English? Well, ...maybe. My point is that for a country whose prior greatest piece of national pride was a Molson Canadian beer commercial, this kind of Canadian pride is very significant. And I think it's about time government recognizes the value and power of sport.

In my opinion figure skating and all other judging events should be eliminated from the Olympics. Sport and art do not

work together; they are not part of the same thing. Why else would the Olympic Committee get rid of ballet skiing? We would save ourselves, and the Games as a whole, from crooked judges who sell their votes for an order of poutine. The Olympic motto is "Citius, Altius, Fortius", which means 'faster, higher, stronger' and 'whoever is the prettiest'. That's just my opinion.

Are there kids all over the world who spend their childhood dreaming of being the bottom person in the two-person luge. Just curious about that.

Maybe it's Ron MacLean's sweaters getting to me, but I think there are too many sports in the Olympics. Is there really any difference between the 10km Biathlon and 12.5km Biathlon? Was anyone surprised that the same guy won both?

While I enjoyed the short track speed-skating, although I hoped for a crash at every turn and at the very least I enjoyed Steve Armitage calling every heat like a world record was being set, what is really different about short track and long track? You turn more?

Is there a steeper learning curve anywhere else than becoming a ski jumper?

## A View from the Gavel

By: Owen Kirkaldy (2L)

Well, a lot of you may have noticed that I spend a lot of time in the Gavel. Not waiting for my classes, those are over at noon, but just, you know, existing. You'll find me on the lazy side of the Gavel, not near the coffee stand where people actually do work, in point of fact odds are that you'll find me in front of the TV.

It is precisely because I spend so much time there, (I'm writing this there, actually) I feel like I should spew about Gavel Etiquette. Here is my plea for decorum: If you set off the alarm, use your swipe card to shut it off. And maybe throw out your garbage instead of leaving it on the coffee table. That's it; two steps to a better Gavel. That's all I really have to say, until my next column for the first Canons of next year, when I will tell the incoming student's what the Gavel means, and how it can be used as part of a holistic work-avoidance program. Till then, see you in the Gavel.

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Melissa Empress, a 2001 law graduate, was admitted to the bar in July 2001 and is now an associate with the firm.

# COLUMNS

April 2002

*The Law Students' Newspaper*

## Believe: When All Else Fails

Sharon Roberts (1L)

What is it about faith that bolsters our courage to carry on? Some people in law school struggle with the drop in grades. Others face challenges outside the University or the scope of ego warfare we've encountered here in first year. One wonders what, if anything, we have in common? Maybe not everyone banks a portion of their survival on finding something to believe in. Or perhaps we don't all articulate the process of having faith the same way. Still, it is heartening to think that each of us yearns to better understand.

Some of us develop mantras when times are tough. 'It's not all bad.' 'Just a few more days and it's the weekend.' Some consider how things might be worse. Tuition could skyrocket tomorrow. You could be injured in an accident or diagnosed with a terminal illness. Worse, someone you love might suffer such a fate. Surely, such things don't occur at the Law Centre. Yet in the interests of education and confronting our own biases, we may be compelled to participate in things here and later wish we hadn't.

Some students like to be informed in advance that choosing not to take part is a valid choice. People have reasons for the things they do. Each of us came here with a reason; not everyone's reason for being here is the same.

As first year students, we are exposed to issues of marginalization and the law during four Perspectives units. The last of these units, held in early March, addressed gender and sexual orientation. Diversity trainer Lenore Lemay spent an afternoon speaking with first year students. At the end of the day, she asked us to stand up and identify ourselves. She started out small, without explanation or any option to participate. "Stand up if you're a woman," she instructed. "Look around, notice who is with you. Notice who is not with you." She went on to call on people whose first language wasn't English. A sizeable crowd stood up. She asked students to identify themselves along increasingly marginal, and no doubt in some cases, painful lines. Fewer and fewer students stood.

By the end, students scanned the room for the odd person prepared to share their vulnerabilities. Stand up, our guest instructed, if you don't know one or both of your parents. Stand if you're gay, lesbian, bisexual or transgendered. The presenters stood alone. Stand up if your family involved violence, alcohol, or drug use; stand if you had family or friends who committed suicide; stand if you ever attempted suicide. Somewhere near the end, Ms. Lemay told us she'd forgotten to mention something. If you didn't want to stand up, you didn't have to.

The exercise ended with Ms. Lemay asking students how they felt while participating. She prefaced her response to one student by noting the young woman's appearance, as though being young, white and attractive immunized her from oppression and misfortune. Enter faith. One would like to believe that for the most part, we do not intend to hurt one another. Given the opportunity, we would question our assumptions — like the notion that 'bad'

things don't happen to 'good' people. Reality sadly suggests otherwise.

Several students said they enjoyed the "diversity exercise." They felt empowered watching others stand and distinguish themselves from the majorities seated around them. One student pointed out that while Ms. Lemay invited students to expose our vulnerabilities during two days of Perspectives, that choice must be balanced with the prospect of spending three years among peers who have already demonstrated less than respectful behaviour.

The law is no stranger to disrespect. As students, we are compelled to develop our own understandings of "justice." Perspectives organizers have faith in our potential to learn by participating in these exercises. As we broaden our awareness of diversity, we are presumably better equipped to appreciate what it means to be marginalized and how we can avoid marginalizing others.

Less than twenty-four hours passed before Ms. Lemay's diversity exercise was

put to the test. First year students in "the big section" shifted in their seats while a peer expressed contempt for members of the Supreme Court and the suffering of others. Rather than ask for clarification of a particular judgment, the student scoffed at the possibility that people could suffer depression and take their own life as a result of injuries sustained in a motor vehicle accident. Another student issued a sharp-tongued defence based on personal experience. Offering the prompt affirmation of a true master in the art of calm, Professor Robertson informed the dismissive student, "I think most people feel that way, actually."

Where's the faith in all of this? Some would argue that the students involved in denigrating and defending those injured in accident claims didn't mean any harm by what they said or how they said it. Nor did our Diversity Trainer intend for the diversity exercise to provoke the negative experiences of some participants. In the interests of justice and social change at least, it would be nice to believe that.

## What's in a Moniker Anyway?

Dave Rechlo (1L)

Every child envies another; luckily, however, this envy wanes, albeit slowly, as we enter the vast and enigmatic mystery called adulthood. Yet for some of us, I am told, this is not true.

According to some scholars, envy never subsides — we all envy someone and the something they possess that we ourselves lack. I was somewhat doubtful of this bold declaration until a truly lovely and learned colleague of mine provided me with a concrete example that actually ended up ringing true in my own life. This lucid insight has led me to write this article, yet again one with quite a subtle point and purpose in the unlimited space our friends at Canons have allotted me, to bring to your attention this interesting occurrence. In the following paragraphs, great reader, I shall venture to describe to you the phenomenon that my aforementioned lovely friend has dubbed "Middle Name Envy".

How many of you, dear readers, have middle names? This is a shocking and intrusive question, I know, but I ask you to delve deep and face the fear and ugliness that this issue must certainly raise. I personally do not know middle name envy, because I have been amply protected from its hideous effects; for I have not

one, but two middle names. Am I fortunate or at a disadvantage because of this? I know not the answer to this anomaly. What I do know is a telling tale of truculent trauma because of the elusive middle name or lack thereof.

My father was middle name-less; hence, when I was born, I was given two middle names — *Joseph Edward*, the latter being my own father's name. Is there a coincidence here, good reader? Again, I know not the answer to this enigma, so draw whichever conclusion you wish. It is indeed possible that my father was compensating for the middle name that he never received. The man is a giver, this is just a further example of his benevolence.

As I was considering "Middle Name Envy" as a possible topic for this month's article, I was so moved by the amount of people who had approached me with their personal accounts of how they have been changed by their middle name or lack thereof. Allow me to recount some of them for you. Primarily, I think of the unfortunate Mr. Anthony Centenao, who so badly lacked a middle name that he subsequently assigned himself the middle name "Boom-Boom".

Please note the effect of this newly adopted moniker — Anthony Boom-Boom Centenao now has a self-prescribed acronym, A.B.C. By the way, Anthony and his new initials would like you all to know that they are doing extremely well and have never been more comforted, reassured and downright happy.

Another example is Jay "Jay" Jacobs, though it is one that serves as an illustration of how desperate people may become, and the abyss-like depths they will go to, in order to overcome the pangs of pain due to "Middle Name Envy". Unfortunately, Jay "Jay" Jacobs was unaware of the cruel effects of alliteration and repetition. J.J.J... Jay "Jay" Jacobs... either way, it is quite a mouthful. However, Jay "Jay" sought comfort and has obviously received it from his identity overhaul. It is quite a catchy little moniker too.

I do not propound that everyone need have or want a middle name; rather, it depends on the individual. Some people are simply ill-suited for middle names, or they find middle names to be excessively weighty or unnecessary. I allude to a good friend of mine Allan "Franzosichspreche" Pichelman.

The poor man never even learned how to speak German, so imagine the difficulty he had in learning to pronounce his middle name, not to mention his last name. The real difficulty, however, lay in dropping the middle name, for once it appears on the birth certificate, it is like a legally-binding tattoo. You can refuse to acknowledge it, but now and then it will resurface at the most inopportune moments.

Views will definitely differ on "Middle Name Envy". I find it a peculiarly enticing subject, and hope that it will be further explored in time to come. Granted, this topic really has nothing to do with the study of law, but what articles have I really written which have actually pertained to the study of law. Rather, my good reader, this has been yet another pointless musing that I have endeavored to share for your amusement. We all envy something — perhaps even a middle name, or a lack thereof.

Thank you infinitely for reading my silly musings and calls for poetry over the last few months. I wish you all the best of luck on exams and a wonderful, restful and relaxing summer. I would like to end my column for the year on a poetical note, how-

ever. In grand total, I have received two submissions from closet poets in the Faculty of Law. One, which you read last month, was by Miss Sharon Roberts, and it was superb. The second one, submitted by next year's VP External, Mr. Paul Varga, I would like to share with you. It is entitled, "The Life of Mr. Hanes", and its strife greatly moves me.

He was there in the beginning  
Strength, support, and  
warm embrace  
After the diaper departed  
And youth was in my face  
Though he'll leave in the end  
An unwelcome goodbye in this case  
A frayed naked thread of a man  
When diapers return to their place.

- Paul Varga (1L)

## My Beef with Beef: A Response to Women are Funny

Shannon Hayes (2L)

This article is in response to an article in the previous Canons, entitled "My Beef with Law Show - Women are Funny Too!"... all in good fun, of course. The article dealt with an apparent gender bias evident in Law Show 2002 acting sketches... *"they were too male centered"*.

After discussing both the quantity and quality of female roles in the show, it was charged that the writers and directors fell victim to the supposition that women are not funny. As I was a writer and a director of Law Show 2002 - and as I am woman - I will take this opportunity to voice a response. Perhaps you can use this response to view the issue in a different light, or perhaps it will only serve to portray myself as a naive, misguided

femme in denial. I guess it depends on how you perceive things... and perception is the key.

I truly believe you can find discrimination in any situation, provided that is your aim and you look hard enough. Granted, you didn't have to look hard to see a large number of male roles in Law Show, but here are some facts behind those numbers. More than half of the actors were male.

This was especially true in the representation of third year actors - amongst whom the largest parts were divided - as over three quarters of this group were male, thus three quarters of the larger roles went to males. This was not because they were funnier (see Ira Cooper) but it was because of their commitment to the show and the unwritten con-

stitution of law show, used to justify one-liners for first years. In the end, every actor was awarded at least two roles including the backstage scenes.

Women are funny. I am a woman and I think I'm damn hilarious. That said, there are realities that we must confront. Many women are reluctant to stand up and make an ass of themselves, which is what law show entails.

There were quite a few females who requested either a small role or one in which they would not be doing something 'big' or 'embarrassing'. None of these concerns were echoed by male participants. I'm not sure whether this reflects the nature of law show, the nature of women, or the remaining vestiges of society's pressure on women to remain pretty and sweet.

Regardless, this was what we were given to work with. Yes, women are funny, but none were willing to write for the law show. When the call to write scripts was issued, relatively few females showed up at the meeting; furthermore, only one actually scripted any of the show. Lack of confidence? Regardless, this is what we were given to work with.

As for the quality of the roles. It was noted that women received the stereotypical girlfriend, floozy or groupie role. However the same can be said of the male roles of thug, effeminate artist, or macho army dude. Most of law show characters are caricatures - both female and male. With our somewhat amateur writing talent, we realized the fastest way to a joke was a stereotype.

For some reason men seem okay with portraying an unflattering stereotype, a role that women have a problem with. Perhaps this reflects sensitivity to female portrayals, or the relatively contemporaneous pressure on women to 'fight the man'. Regardless, cheap law show humor is based on stereotypes and the ability to laugh at ourselves, even our flaws or historical hardships.

I recognize that this is a contentious issue. Those still reading this article will either love me or hate me. I am not a subservient female, a gutless follow-along broad. I am a woman who recognizes that while gender bias still exists in the closets of the world, it is a dangerous pursuit to seek it out in even the most innocent of arenas, the law show.

## Varsity Blues

Darren Hamilton (1L)

**DISCLAIMER:** I like this newspaper, but, when ever I open it there only seems to be fuzzy keep you warm stories about how great law school is or how much fun the latest drink and chuck was. This is not one of those articles.

A small part of me is disappointed with the law school experience. Maybe it started when one of the winning campaign slogans for 1L elections came down to, "Vote for me, I am going to get bad grades so I need it for my resume." Maybe it began when the professors started telling us, "the hardest part is over, you're in law school now, you're the best of the best." I know my disappointment was in full bloom when we started seeing ourselves as the best of the best.

My disappointment continued when, at the beginning of the first Perspectives, a fair number of my classmates could not be bothered to listen and, by the end of the first Perspectives a fair number could not be bothered to keep their mouth shut. Ironically I write part of this during our last Perspective so, really, I guess I disappoint myself. I cannot tell you how truly ashamed I am that our professors have to more or less beg us to shut up before class starts.

I remember being shocked when I heard the story of a girlfriend, not in law school, brought to a law school party by her boyfriend. She was having a lively discussion with three or four female law students. That is until it came out that she was not actually a law student at which time it became clear that my classmates really felt no reason to continue socializing with her.

I remember a year ago working my ass off, looking at the sloppy work ethic of my classmates. I thought that law school would be different. I thought that people here would respect the learning process. I had envisioned an academic utopia. A year ago I would easily put in twelve hours a day, not including classes. Now, I am lucky if I can put in five or six hours all together.

I write this for selfish reasons. I need to get it out there, for other people to hear what I think. It's sort of a "Road Less Traveled" psychotherapy thing. Also, I know I am not the only one for whom some of the above disappointments apply to. Luckily I am starting to recover; maybe it is the threat of exams looming on the horizon. Or, maybe, it is that the class as a whole, I believe, has realized that there are still a couple of things left that we have to prove. That law school is not the end of the road.

I never planned to go to law school here. But, I am happy to say to anyone who asks me, in almost all ways I am glad I ended up here. I love going to this school. I love most of my classes, I love most of my classmates, I love the extracurricular activities that are available and I love that "Family Atmosphere." This truly is a wonderful place filled with wonderful people, most of the time. I guess maybe my disappointment boils down to the fact that law school is just school. Maybe school is the same no matter what level you take it to, especially when you get 180 people together. I suppose the question remains, should we change.

Maybe we should not.

Hell, we are in law school, we are the best of the best.

## GRAD SURVEY 2002

COMPILED BY: CHRIS MCKAY (3L)

Well Folks, here it is. Grad Survey 2002. Some questions have been omitted.

- 1) **The first to be called to the bench?** - Justice Peter Banks has a nice ring to it.
- 2) **The first to have a billboard advertisement?** - Chris Millsap. Second: Chady Moustarah. Notable: Chris Veale.
- 3) **The next John Grisham?** - Leigh Peters
- 4) **The first to return to the U of A as a professor?** - Deb Szatyo.
- 5) **The first to leave law for politics?** - Mike Reid. Mike has already embarked on this one.
- 6) **The first to argue before the Supreme Court of Canada?** - Jeremiah Kowalchuk. Notables: Karen Grawe; Patrick Duffy.
- 7) **The first to return as an advising lawyer for SLS?** - Ben Horcica. Notables: Charla Hall; Dave Grotz.
- 8) **Male fashion plate of the year?** - Jason Pannu.
- 9) **Female fashion plate of the year?** - Charla Hall.
- 10) **The student(s) with the most frequently changing hairstyle?** - This one is a tie between Susan Karpa and Maggie Kraskiewicz. Notable: Mark Woltersdorf
- 11) **The most anonymous student?** - Damien ???
- 12) **The student most often in the library?** - Stacey McCreath.
- 13) **The student(s) with the most athletic prowess?** - Sorry guys, Ryana Allen wins this one going away.
- 14) **The biggest consumer of coffee in the last three years?** - Elizabeth Tatchyn. Notables: Paulette
- 15) **Missed the most classes?** - Stretch takes this one as well. Notables: Chady Moustarah, Mikle Carter
- 16) **The students who do the best prof imitations?** - Little doubt that Craig Grubisich wins this one.
- 17) **The Champion beer consumer in the last three years?** - Also a no brainer, Christian Weisenberger (Stretch)
- 18) **Has hosted the wildest law school party?** - Only unanimous choice: Leigh Peters and Dan Pichette.
- 19) **Missed the most classes?** - Stretch takes this one as well. Notables: Chady Moustarah, Mikle Carter
- 20) **The student(s) who were late for the most classes in the last three years?** - El Presidente Chris "I am running a little behind" Veale. Notable: Sukhi Sidhu.
- 21) **The student with the biggest bank of trivial knowledge?** - Chris Millsap (mostly related to the Simpsons, apparently)
- 22) **The most laid back and easy going student(s)?** - Ben Horcica. Notables: Stretch.
- 23) **The male student with the biggest ego?** - Mike Munoz. Notable: Curtis Schmeichel.
- 24) **Mr. Congeniality?** - Another obvious choice, this tie for Brian Kinzie.
- 25) **Ms. Congeniality?** - Elizabeth Tatchyn. Notables: Paulette
- 26) **The person who has dated the most law students?** - Another tie, this time between Dan Pichette and Michelle Belland.
- 27) **The first two graduating students to marry each other?** - Brian Kinzie and Helen Park.
- 28) **The hardest working law student?** - Tie between Peter Banks and Deb Szatyo. They put us all to shame.
- 29) **Most likely to retire from law and become a rock and roll musician?** - Narrow victory for Jason Golbey. Second Place was Robert Sera.
- 30) **The first person to be quoted in a Supreme Court of Canada decision?** - Simon Rabinovich. Notable: Peter Banks.
- 31) **The funniest student?** - Tie between Chris Millsap (see Simpsons) and Sharon Buckley-Tkach.
- 32) **The video game star?** - Ira Cooper.
- 33) **The hairiest student?** - Tie between Randy Williams and Mike Simons. Notables: Brian McHale, Ira Cooper and Ben Cairo.
- 34) **Homecoming King?** - Tom Duke.
- 35) **Homecoming Queen?** - Michelle Belland.
- 36) **First to appear on Broadway?** - Benjamin Evans, although Ron Hopp (alumni) also received recognition.
- 37) **The first millionaire?** - Jason Pannu. Notable: Mark Woltersdorf.
- 38) **First student to play golf for a living?** - Brian Futursky. Little doubt about this one. Worth mentioning: Cam Pham.

Thanks to all those people who submitted a survey. Hopefully, ten years from now we can look back and see what has become of each of us. Best wishes and, see you in court.

# OBITER DICTA

April 2002

*The Law Students' Newspaper*

## TRUE NORTH

CONT'D FROM PAGE 6

Notwithstanding the disappointment of Jeremy Wotherspoon, all told Canada captured 9 medals in speedskating competition. The first was won by Cindy Klassen of Winnipeg, who won bronze in the 3000m long track event. Hers was the first for Canada of the Games, always memorable.

Who could forget Simon Whitfield's brilliant triathlon victory in Sydney. Following Klassen to the podium were Catriona Le May Doan of Saskatoon, who defended her 500 m gold from Nagano.

Mark Gagnon of Pointe-aux-Trembles, Quebec won three medals; gold in the 500 m and also the 5000 m relay where he teamed with Jonathon Guilmette, Francois-Louis Tremblay of Alma, Que., and Mathieu Turcotte of Sherbrooke Que. Gagnon's first medal in the Games was a bronze in the 1500 m short track event. Guillette also reached the podium alongside Gagnon in the 500m, placing second to his teammate, Mathieu Turcotte won the last men's medal with a bronze in a wild 1000 m race that saw Australian Stephen Bradbury win his country's first Winter Olympic gold medal.

The women shorttrackers also reached the podium in Salt Lake City, with the women's 3000 m relay team placing third. They were represented by Alanna Krauss of Abbotsford, B.C., Isabelle Charest, of Montreal, Quebec, Marie-Eve Drolet of Chicoutimi, Quebec, and Amelie Goulet-Nadon of LaSalle, Quebec.

Possibly the most notable of Canada's speedskating medals was one by Clara Hughes, double bronze medalist in cycling in Atlanta in 1996. Her third in the women's 5000 m was a result of what she

called 'the race of (her) life'. With her bronze, Hughes became the first Canadian to ever medal in both Summer and Winter Olympic competition.

## Cross Country Skiing

The pride of Vermillion, Alberta, Beckie Scott narrowly won a bronze medal in the women's 5 km pursuit. Scott's was the first ever cross country medal for a North American woman. Following the event, the Russian competitors who placed first and second tested positive for drug enhancement. At time of print, their medals had not been stripped, but the dispute is ongoing.

## Aerials

With all four Canadian women qualifying for the Finals of Women's Aerials a medal was within sight. The nation was doubly pleased with the result; silver and bronze to Veronica Brenner and Deidra Dionne respectively. The Canadian duo finished just behind the victor, Alisa Camplin of Australia.

## Curling

Like our hockey teams, nothing less than two gold would satisfy this nation's curling aficionados. Regrettably, silver and bronze was the best Kevin Martin and Kelley Law could muster. Law was upset in the semi-final by eventual Champion Rona Martin of Great Britain. Meanwhile, Martin was mere centimeters from victory in the men's draw, with his final rock in the 10<sup>th</sup> end of a tie game sliding too far, allowing Norway's Pal Trulsen to steal a 6-5 win. For Martin, the loss punctuated a host of international disappointments. In 1994 in Albertville, his rink had to settle for a Bronze. For Law, the pressure was immense to defend the 1998 gold medal won by

the late Sandra Schmirler.  
*Hockey*

The Canadian men had to share the spotlight in Salt Lake City with another squad from north of the border, as the women also fended off their pesky neighbors, and some sketchy refereeing, for a narrow 3-2 victory in women's hockey. The double gold should put to rest some critics who say that Canada is no longer the best hockey nation in the world. The debate will once again rage as athletes gather in Torino, Italy for the XXth Olympic Winter Games in 2006.

## Future Victory

The next great victory for Canada in the Olympics will hopefully come before then, with Whistler bidding to host the Games in 2010. The Canadian Olympic Association is hopeful that Canada will compete for the medals title by 2010. Team Canada captured a record 17 medals in Salt Lake City, good for fourth place overall and just ahead of rival Russia. With sufficient funding and support, there is no telling what our athletes might accomplish eight years from now.

For the rest of Canada, the Closing Ceremonies on February 24<sup>th</sup> meant it was back to our normal day-to-day existence. Perhaps the best indicator of what the Olympics means to Canadians is not only the interest that it raises for sport for 16 days, but how many children are buoyed to play and compete as a result of seeing dreams come true for their fellow countrymen and women. Only time will tell what Salt Lake City has meant to Canadian Athletics, but hopefully our achievements in 2002 are only the tip of the iceberg and will lead to new record numbers in participation in sport and recognition of all the positive things it can do for your life.

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